

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-8043-WM

UNITED STATES OF AMERICA

v.

FERMIN ARICIAGA-HERNANDEZ,
a/k/a "Valientin Elizalde,"

Defendant.

/

FILED BY SW D.C.

Feb 5, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? Yes No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY: Rinku Tribuiani

Rinku Tribuiani
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0150990
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401
Tel: (561) 820-8711
Fax: (561) 820-8777
Email: rinku.tribuiani@usdoj.gov

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.)
)
FERMIN ARICIAGA-HERNANDEZ,) Case No. 24-8043-WM
a/k/a "Valientin Elizalde,")
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Defendant(s)

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 3, 2024 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 8 U.S.C. §§ 1326(a) & (b)(1) Illegal re-entry into the United States after deportation or removal

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



Complainant's signature

TFO Andy Korzen, HSI
Printed name and title

Sworn and Attested to me by Applicant by Telephone (FaceTime) pursuant to Fed. R. Crim. P. 4(d) and 4.1

Date: February 5, 2024



Judge's signature

City and state: West Palm Beach, FL

William Matthewman, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT OF ANDY KORZEN
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Andy Korzen, being duly sworn, depose and state as follows:

1. I am a Task Force Officer (TFO) with the Homeland Security Investigations (HSI), and I am also Deportation Officer with the Immigration and Customs Enforcement (ICE) and have been so employed for over twenty years. I am currently assigned to the HSI, West Palm Beach, Florida. My duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Fermin ARICIAGA-HERNANDEZ, also known as Valentin ELIZALDE, committed the offense of illegal re-entry after deportation or removal, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

3. On or about February 3, 2024, Fermin ARICIAGA-HERNANDEZ was arrested in Palm Beach County, Florida for the offenses of leaving the scene of a crash with property damage, and resisting an officer without violence. He was booked and detained at the Palm Beach County Jail.

4. A review of the immigration records shows that Fermin ARICIAGA-HERNANDEZ is a native and citizen of Mexico. Records further show that on or about August 14, 2018, Fermin ARICIAGA-HERNANDEZ was ordered removed from the United States. The Order of Removal was executed on or about September 1, 2018,

whereby Fermin ARICIAGA-HERNANDEZ was removed from the United States and returned to Mexico.

5. Thereafter, Fermin ARICIAGA-HERNANDEZ re-entered the United States illegally, and was removed and returned to Mexico on four additional separate occasions, on or about the following dates: October 15, 2018, January 24, 2019, June 26, 2019, and September 5, 2023

6. Records further show that on or about June 15, 2022, in the United States District Court, Southern District of Texas, Fermin ARICIAGA-HERNANDEZ was convicted of the felony offense of illegal re-entry by a previously deported alien, in case number 21CR00111.

7. Fermin ARICIAGA-HERNANDEZ's fingerprints taken in connection with his February 3, 2024 arrest in Palm Beach County were scanned into the IAFIS system. Results confirmed that the scanned fingerprints belong to the individual who was previously removed from the United States, that is, Fermin ARICIAGA-HERNANDEZ.

8. A records check was performed in the Computer Linked Application Informational Management System to determine if Fermin ARICIAGA-HERNANDEZ filed an application for permission to reapply for admission into the United States after deportation or removal. After a search was performed in that database system, no record was found to exist indicating that Fermin ARICIAGA-HERNANDEZ obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security for re-admission into the United States, as required by law.

9. Based on the foregoing, I submit that probable cause exists to believe that, on or about February 3, 2024, Fermin ARICIAGA-HERNANDEZ, an alien who was

previously deported and removed from the United States, was found in the United States, without having received express consent from the Attorney General or the Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).



Andy Korzen
Task Force Officer
Homeland Security Investigations

Sworn and Attested to me by Applicant by Telephone (Facetime) pursuant to Fed. R. Crim. P. 4(d) and 4.1 this 5th day of February 2024.



WILLIAM MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Fermin Ariciaga-Hernandez a/k/a "Valientin Elizalde"

Case No: _____

Count #: 1

Illegal re-entry into the United States after deportation or removal

Title 8, United States Code, Section 1326(a) and (b)(1)

* Max. Term of Imprisonment: up to 10 years

* Mandatory Min. Term of Imprisonment (if applicable): n/a

* Max. Supervised Release: up to 3 years

* Max. Fine: up to \$250,000 and a mandatory \$100 special assessment upon conviction

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.